

Orig #14

ORDINANCE
NUMBER 2013-004

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE XXV, CHAPTER 4-6, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING THE PROVISIONS OF THE SOUTH GULF COVE (NON URBAN) STREET AND DRAINAGE MSBU; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners (the "Board"), pursuant to the provisions of Section 125.01, Florida Statutes, has the power to establish, merge or abolish municipal service benefit units and levy and collect assessments within such units; and

WHEREAS, the Board, on December 17, 1985, adopted Ordinance No. 85-50 which created the South Gulf Cove (Non Urban) Street and Drainage municipal service taxing unit (the "Unit"); and

WHEREAS, though Ordinance No. 85-50 originally designated the Unit as a municipal service taxing unit, a plain reading of the Ordinance reveals that it's intent was to create a municipal service benefit unit, as the original language of its "Purpose" clause provides for funding for the construction, reconstruction, repair, etc. of the platted streets in the Unit "from funds derived from special assessments within the unit only" and further authorizes the Board to approve the special assessments by Resolution after a public hearing; and

WHEREAS, county staff has also advised and believes that the Unit has been considered and treated as a municipal service benefit unit since it was created in 1985, therefore it is believed that the reference to the Unit in Ordinance No. 85-50 as a municipal service taxing unit is simply a typographical error that should be corrected by amending the

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3756, PGS 8-10 3 pg(s)
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1 language of the ordinance now codified in Article XXV, Chapter 4-6 of the Code of Laws
2 and Ordinances, Charlotte County, Florida; and

3 WHEREAS, the South Gulf Cove (Non Urban) Street and Drainage Unit advisory
4 board has requested that the Board amend the stated purpose of the Unit to permit funds
5 derived from within the Unit to be used for pedestrian and bicycle paths within the rights-of-
6 way in the unit in addition to the purposes now therein provided; and

7 WHEREAS, the Board finds that the expenditure of funds for the above requested
8 purpose is a valid purpose and will provide a special benefit to the assessed properties
9 within the MSBU.

10 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of
11 Charlotte County, Florida:

12 Section 1. Section 4-6-551 of Article XXV, Chapter 4-6, of the Code of Laws and
13 Ordinances, Charlotte County, Florida, is hereby amended as follows (strikeouts are
14 deletions, underlined sections are additions):

15 "Sec. 4-6-551. - Established.
16 There is hereby established, pursuant to the authority contained in F.S.
17 section 125.01(1)(q), a municipal service ~~taxing benefit~~ unit to be known
18 as the "South Gulf Cove (Non Urban) Street and Drainage Unit."
19

20 Section 2. Section 4-6-554 of Article XXV, Chapter 4-6, of the Charlotte County
21 Code is hereby amended as follows (strikeouts are deletions, underlined sections are
22 additions):

23 "Sec. 4-6-554. Purposes.
24 The purpose of the unit is to provide for the construction, reconstruction,
25 repair, paving, repaving, hard-surfacing, re-hard surfacing, widening,
26 guttering, and draining of the platted streets in the unit, and pedestrian and
27 bicycle paths within the rights-of-way in the unit, including the necessary
28 appurtenances thereto, from funds derived from special assessments within
29 the unit."
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1 Section 3. Severability. If any provision of this ordinance or the application thereof
2 to any person or circumstance is held invalid, the invalidity shall not affect other provisions
3 or applications of this Ordinance which can be given effect without the invalid provision or
4 applications. To this end, the provisions of this Ordinance are declared severable.

5 Section 4. Effective Date. A certified copy of this Ordinance shall be filed with the
6 Department of State of the State of Florida within 10 days of enactment and shall take
7 effect upon filing with said department.

8 PASSED AND DULY ADOPTED this 26th day of March, 2013.

9
10 BOARD OF COUNTY COMMISSIONERS
11 OF CHARLOTTE COUNTY, FLORIDA

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13
14 By: *Christopher G. Constance*
15 Christopher G. Constance, Chairman
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17



18 ATTEST:
19 Barbara T. Scott, Clerk of
20 Circuit Court and Ex-officio
21 Clerk to the Board of County
22 Commissioners
23

24
25
26 By: *Michelle D. Bernardino*
27 Deputy Clerk
28

29 APPROVED AS TO FORM
30 AND LEGAL SUFFICIENCY:

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33 By: *Janette S. Knowlton*
34 Janette S. Knowlton, County Attorney
35 LR 13-2245
36 *J.S.*
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ECONOMIC IMPACT ESTIMATE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE XXV, CHAPTER 4-6, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING THE PROVISIONS OF THE SOUTH GULF COVE (NON URBAN) STREET AND DRAINAGE MSBU; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE: Analyze what the ordinance is designed to accomplish. Describe the present situation and the effect the ordinance will have thereon.

The ordinance will correct a typographical error in the code which incorrectly designates the South Gulf Cove Street and Drainage Unit ("Unit") as a municipal service taxing unit instead of a municipal service benefit unit, and further amend the purpose of the Unit to include the construction, repair and maintenance of pedestrian and bicycle paths within the rights-of-way within the unit.

IMPACT: Consider costs and benefits, both monetary and non-monetary for the private sector (non-governmental entities) and the public sector (governmental entities). In discussing costs and benefits, distinguish between those which are social (borne by society as a whole) and those which are private (accrue to certain individuals or groups). Identify the specific groups which will be impacted.

There are no appreciable costs to the public or private sector.

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| A. Cost of Implementation: | The costs of adopting the ordinance are nominal. |
| B. Source of Funds/Ultimate Burden of Costs: | South Gulf Cove (Non-Urban) Street and Drainage Unit. |
| C. Effect on Competition and the Employment:
Market | None. |
| D. Benefits on Implementation: | The purpose of the Unit will now include the construction, repair, and maintenance of pedestrian and bicycle paths within the rights-of-way of the unit. |



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 5, 2013

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle L. DiBerardino, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 29, 2013 and certified copies of Charlotte County Ordinance Nos. 2013-004 and 2013-005 which were filed in this office on April 4, 2013.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

RECEIVED
MURDOCK BRANCH
2013 APR 12 PM 1:10
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL